

To the Honorable Council City of Norfolk, Virginia

June 23, 2015

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Rezoning from I-2 (Light Industrial) to Conditional C-2 (Corridor Commercial) and Special

Exception for Mixed Uses (residential and commercial) - Capital Finance, LLC

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/7

Approved:

Waren Dan

Item Number:

PH-2

Marcus D. Jones, City Manager

- I. Staff Recommendation: Approval.
- II. Commission Action: By a vote of 7 to 0, the Planning Commission recommends Approval.

III. Requests:

- Conditional Rezoning: I-2 to Conditional C-2
- Special exception to permit 14 residential dwelling units and ground floor commercial uses within the same building.

IV. Applicant: Shahpor (Ben) Mahgerefteh

V. Description:

- The applications propose to adaptively reuse the existing building to allow for mixed uses;
 3,600 square feet of commercial space and six dwelling units proposed on the ground floor with eight dwelling units proposed for the second floor.
- At the April Planning Commission public hearing, three industrial property owners spoke in opposition to the original request due to parking concerns along 44th Street.
 - In order to address the parking concerns that were raised by three nearby property owners, the applicant presented an amended proposal at the May public hearing from what was presented at the April public hearing:
 - A reduction of 2 dwelling units (14 units versus 16 units initially proposed).
 - Two additional parking spaces are provided on the revised site plan (24 spaces versus 22 spaces initially proposed).
 - At the May public hearing, a representative of the industrial property owners spoke in favor of the amended proposal.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated May 28, 2015 with attachments
- Letter of support Highland Park Civic League
- Proponents and Opponents
- Ordinances



Planning Commission Public Hearing: May 28, 2015

Staff: Matthew Simons, CFM M. J.

Staff Report	Item No.	4	
Address	834 44 th Street		
Applicant	Capital Finance, Inc.		
Requests	Rezoning	I-2 (Light Industrial) to Conditional C-2 (Corridor Commercial)	
Requests	Special Exception	Mixed Uses (residential and commercial)	
Property Owner	Path Group, LLC		
	Site Area	½ acre	
	Zoning	1-2	
Site Characteristics	Neighborhood	Highland Park	
	Character District	Traditional	
	North	I-2: Two single-family houses	
Surrounding Area	East	Cond. C-2: Knitting Mill mixed use apartments and Space Cadets self-storage	
	South	I-2: Tidewater Gymnastics Academy	
	West	I-2: Mike Bliss commercial contractor	



A. Summary of Request

- The applications propose to adaptively reuse the existing building to allow for mixed uses; 3,600 square feet of commercial space and six dwelling units proposed on the ground floor with eight dwelling units proposed for the second floor.
- The site consists of a vacant commercial building (formerly used for automobile repair and automobile storage towing).
- The site is located within the Knitting Mill Creek District, directly to the west of the Knitting Mill mixed use apartment and self-storage facility, fronting along the north side of 44th Street and the south side of 45th Street.
- In order to address parking concerns that were raised by three nearby property owners along 44th Street, the applicant has presented an amended proposal from what was presented at the April Planning Commission public hearing:
 - A reduction of 2 dwelling units (14 units versus 16 units initially proposed).
 - A slight increase in commercial square footage (3,600 square feet versus 3,430 initially proposed).
 - Two additional parking spaces are provided on the revised site plan (24 spaces versus 22 spaces initially proposed).

B. Plan Consistency

- plaNorfolk2030 designates this site as commercial.
- The Identifying Land Use Strategies chapter of *plaNorfolk2030* identifies the commercial land use category as a location for a broad range of retail, hotel, and office uses located along arterial roadways, near transit hubs, or in neighborhood-serving nodes.
 - It further states that these areas may include residential uses, typically located above the ground floor in a mixed use development.
- The Central Hampton Boulevard (CHB) Area Plan identifies this site as within the knitting mill creek district, where a variety of commercial and residential uses is anticipated.
- Given that the proposed development would include commercial uses with a mix of residential dwellings, the proposed zoning change to commercial and the proposed mixed use development is consistent with the plaNorfolk2030 and the CHB Area Plan.

C. Zoning Analysis

- i. General:
 - The C-2 district allows for a proposed mix of residential and commercial uses in the same building by obtaining a Special Exception.
 - The uses located immediately adjacent to the site consist of a mix of commercial and industrial uses to the west, commercial and single-family residential to the north, a mixed use development to the east and commercial uses to the south.
 - A similar rezoning and mixed use special exception was approved in 2004 for the Knitting Mill mixed use apartments directly to the east of the site.
 - The property is currently developed with a vacant industrial building.

ii. Parking:

- The site is located within the Traditional Character District which requires one
 parking space per dwelling unit for an adaptive reuse project, and 1.6 parking
 spaces per dwelling unit for any new square footage added to the building.
 - 19 parking spaces are required for the 14 dwelling units, and 12 spaces are required for the 3,600 square feet of ground floor commercial space.
 - The applicant is proposing to improve the parking area with a reconfigured access, striped spaces and an adequate drive aisle, sufficient to accommodate 24 parking spaces on site.
 - The 9,915 square foot building is grandfathered for 39 parking spaces.
 - Since the proposal is within an existing building, built prior to the current parking requirements, and the conversion to residential does not have a greater parking demand than what is otherwise required for commercial uses (31 spaces versus a commercial demand of 39 spaces), no new spaces are required.
 - Since the mix of uses proposed on the site will have a decreased parking demand, the proposal is deemed sufficient so as to not cause any further adverse impacts to its surroundings.
- Four bicycle parking spaces will be required.

iii. Flood Zone:

The property is in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 212 new vehicle trips per day.
- Based upon ITE data, the prior warehouse use on this site would be expected to generate 36 weekday trips while the proposed new mixed use project including 14 apartments and approximately 3,600 square feet of retail space would be expected to generate 248 trips on weekdays.

E. Impact on the Environment

The site must continue to comply with all the standards set forth in the *Zoning Ordinance of the City of Norfolk, 1992.*

F. Impact on Surrounding Area/Site

- By requiring this use to conform to the conditions listed below, the proposed mixed use development should not have a negative effect on the surrounding neighborhood.
- The proposed mix of uses, with a decreased parking demand from how the building could currently be used, would be more compatible with the surrounding neighborhood than the currently permitted uses within the I-2 zoning district, and compatible with the immediately adjacent uses along this portion of the Knitting Mill Creek District.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- Notice was sent to the Highland Park Civic League on April 1st.
- The applicant presented the proposal at the March and April Highland Park Civic League meetings.

I. Communication Outreach/Notification

- Legal notice was posted on the property on March 17.
- Letters were mailed to all property owners within 300 feet of the property on April 9.
- Legal notification was placed in *The Virginian-Pilot* on April 9 and April 16.

J. Recommendation

Staff recommends that the rezoning and special exception requests be **approved** subject to the submitted proffers and attached conditions shown below:

Rezoning Proffers

- a. Not more than 14 residential dwelling units shall be located on the property.
- b. The site shall be redeveloped to provide no fewer than 24 new parking spaces on the site, in accordance with the proposed conceptual site plan prepared by *Robyn Thomas Architecture*, dated June 4, 2015, attached hereto and marked as Exhibit A.

Special Exception Conditions

- a. Not more than 14 residential dwelling units shall be located on the property.
- **b.** The site shall be redeveloped to provide no fewer than 24 new parking spaces on the site, in accordance with the proposed conceptual site plan prepared by *Robyn Thomas Architecture*, dated June 4, 2015, attached hereto and marked as Exhibit A.
- c. The principal building shall be improved generally in accordance with the attached elevations prepared by *Robyn Thomas Architecture*, dated April 13, 2015, attached hereto and marked as Exhibit B.

Attachments

Location Map
Zoning Map
Applications
Physical Survey
Conceptual Site Plan
Elevations
Notice to the Highland Park Civic Leagues

Proponents and Opponents - April Planning Commission Public Hearing

Proponents

Robyn Thomas – Representative 913 West 21st Street, Suite C Norfolk, VA 23517

Opponents

James Gregg 845 West 44th Street Norfolk, VA 23508

E.N. Tharrington 823 West 44th Street Norfolk, VA 23508

Michael Dolsey 863 West 44th Street Norfolk, VA 23508

Proponents and Opponents - May Planning Commission Public Hearing

Proponents

Robyn Thomas – Representative 913 West 21st Street, Suite C Norfolk, VA 23517

James Gregg – Representative for the 44th Street industrial neighbors 845 West 44th Street Norfolk, VA 23508

Opponents

None

06/05/2015 tsv

Form and Correctness Approved

Office of the City Attorney

DEPT.

Contents Approved: M.- S.

ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 834 $44^{\rm th}$ STREET FROM I-2 (LIGHT INDUSTRIAL) DISTRICT TO CONDITIONAL C-2 (CORRIDOR COMMERCIAL) DISTRICT.

NORFOLK, VIRGINIA

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the property located at 834 44^{TH} Street is hereby rezoned from I-2 (Light Industrial) District to Conditional C-2 (Corridor Commercial) District. The property is more fully described as follows:

Property fronting 100 feet, more or less, along the northern line of 44th Street beginning 325 feet, more or less, from the western line of Colley Avenue and extending westwardly; property also fronts 100 feet, more or less, along the southern line of 45th Street; premises numbered 834 44th Street.

Section 2:- That the property rezoned by this ordinance shall be subject to the following conditions:

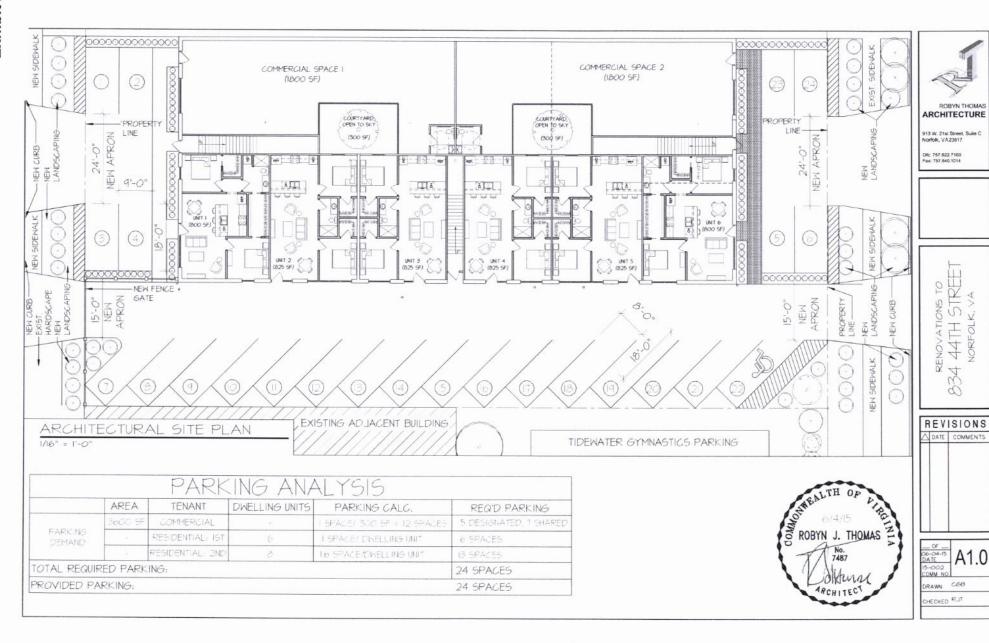
- (a) Not more than 14 residential dwelling units shall be located on the property.
- (b) The site shall be redeveloped to provide no fewer than 24 new parking spaces on the site, in accordance with the proposed conceptual site plan prepared by Robyn Thomas Architecture, dated June 4, 2015, attached hereto and marked as "Exhibit A."

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (1 page)



06/05/2015 tsv

Form and Correctness Approved

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved: M. J.

DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT MIXED USES ON PROPERTY LOCATED AT $834\ 44^{\text{TH}}$ STREET.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit mixed uses on property located at $834\ 44^{\text{TH}}$ Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 100 feet, more or less, along the northern line of 44th Street beginning 325 feet, more or less, from the western line of Colley Avenue and extending westwardly; property also fronts 100 feet, more or less, along the southern line of 45th Street; premises numbered 834 44th Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) Not more than 14 residential dwelling units shall be located on the property.
- (b) The site shall be redeveloped to provide no fewer than 24 new parking spaces on the site, in accordance with the proposed conceptual site plan prepared by Robyn Thomas Architecture, dated June 4, 2015, attached hereto and marked as "Exhibit A."
- (c) The principal building shall be improved generally in accordance with the attached elevations prepared by Robyn Thomas Architecture, dated April 13, 2015, attached hereto and marked as "Exhibit B."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of

Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is

considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (1 page)

Exhibit B (1 page)

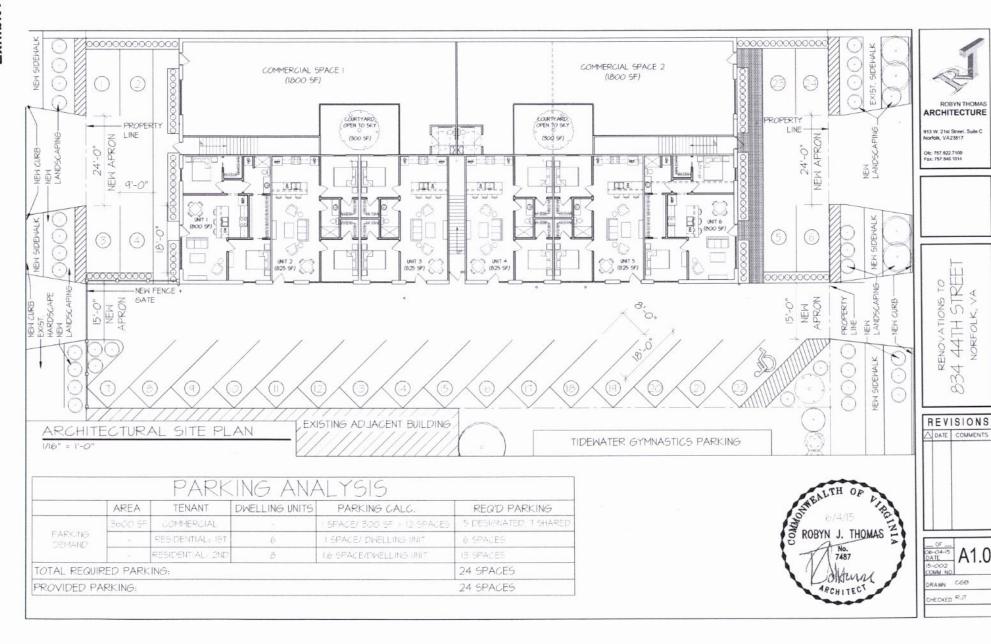
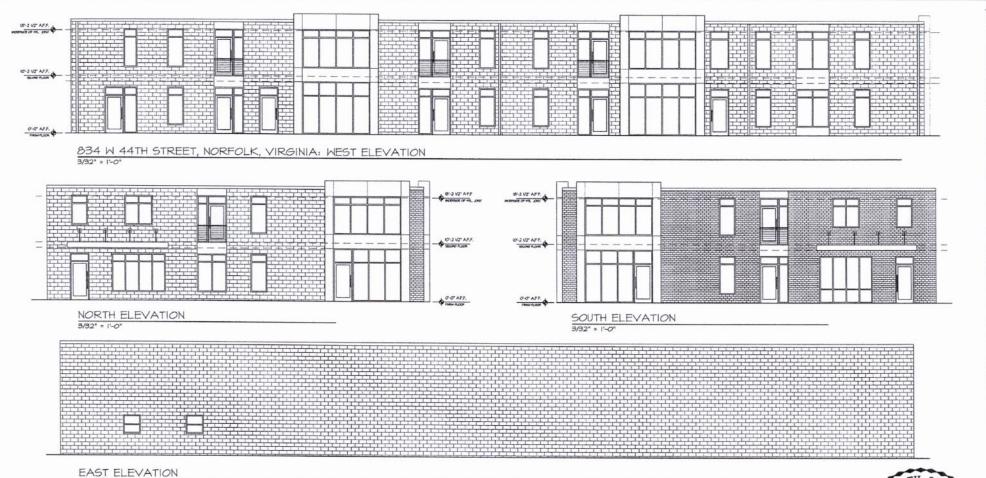


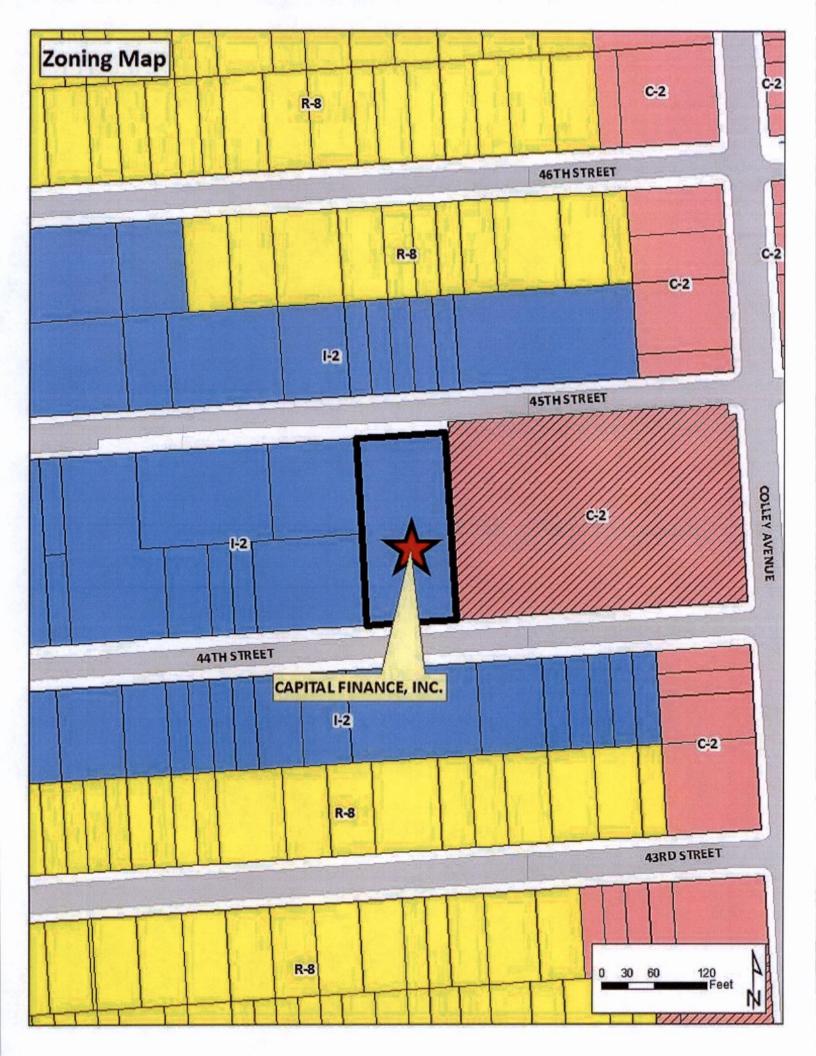
Exhibit B

3/32" = 1'-0"



ROBYN J. THOMAS Z. ARCHITECT







APPLICATION CHANGE OF ZONING

Date of application:
Change of Zoning Conditional
From: IQ Zoning To: CQ Zoning
DESCRIPTION OF PROPERTY
Property location: (Street Number) 834 (Street Name) W. 4411 St
Existing Use of Property: 'WANEHOUSE
Current Building Square Footage 10,000
Proposed Use COMMERCIAL / RESIDENTIAL
Proposed Building Square Footage 10,000
Trade Name of Business (If applicable) CARITAL FINANCE, INC.
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners) 1. Name of applicant: (Last) MAHGEREFTEH (First) PEN (MI)
Mailing address of applicant (Street/P.O. Box): 4125 FORTSMOUTH BLVD
(City) PORTSMOUTH (State) VA (Zip Code) 93701
Daytime telephone number of applicant (151) 615-8383Fax ()
E-mail address of applicant: BENPRESTIGE AB @ SMAIL, COM

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015) Application Rezoning Page 2

	AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)
£4.~	2. Name of applicant: (Last) THOMAS III (First) FRANK (MI) P
	Mailing address of applicant (Street/P.O. Box): 315 EDWIN DR. SUITE 315
	(City) VA BEACH (State) VA (Zip Code) 23462
	Daytime telephone number of applicant (151) 497-444 Fax (151) 497-8907
	E-mail address of applicant: FRANK & SAMSEGAR, COM
(1	PROPERTY OWNER f property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners) 3. Name of property owner: (Last) HUND (First) TW (MI) S Mailing address of property owner (Street/P.O. box): 1618 WEST PENEROKE AVE (City) HAMPTON (State) VA (Zip Code) 2366 I Daytime telephone number of owner (151) 117-4000 email: 11 MTHE CAN MAN GMAIL, COM
	CIVIC LEAGUE INFORMATION Civic League contact:
	Ward/Super Ward information: ANGELA WILLIAMS

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015) Application Rezoning Page 3 .

- REQUIRED ATTACHMENTS

 V Required application fee, \$706.00 (if check, make payable to the City of Norfolk).

 Application fee includes a non-refundable \$5 technology surcharge.

 If accompanied with a necessary map amendment to the City's adopted general plan, plaNorfolk2030, an additional technology surcharge of \$5 will be required.

 V One 6½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the out-blook.
 - Existing and proposed building structures
 - Dilveways Parking

 - Landscaping
 - Properly lines (see attached example)
 - One 8 % x 14 inoh or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive alsos and parking with dimensions, and proposed changes to parcel/properly lines (including lease lines) if
 - applicable.

 Written description and details of the operation of the business (i.e., # of employees, # of bays, reason for rezoning, etc...)

OF	DTI	IIO A	TIME

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge.

TIM'S, HAND Print name, (Property Owner or Authorized Ager Print namoistla HPOR MAURER EFTE

ONLY NEEDED IF APPLICABLE:

Print name: FRANK PTHOMAS (Authorized Agent Signature)

DEPARTMENT OF CITY PLANNING 810 Union Street, Room 608 Nortolk, Vigilia 23610 Telephone (757) 664-4762 Fax (757) 441-1669



Special Exception for: 834 W.44 ^{+H} St.				
Date of application: 8/9/15				
Property location: (Street Number) 834 (Street Name) W 44 + St. Existing Use of Property WAREHouse				
Current Building Square Footage 10,000. Proposed Use MIXED USE COMMERCIAL / RESIDENTIAL				
Proposed Square Footage 10,000				
Proposed Hours of Operation:				
Weekday From To				
Friday From To				
Saturday From To				
Sunday From To				
Trade Name of Business (If applicable) CARTOL FINANCE, INC.				

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015)

Page 2 APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners) 1. Name of applicant: (Last) MAHGEREFTEH (MI) Mailing address of applicant (Street/P.O. Box): 4125 PORTSMOUTH (Zip Code) 2370 1 YOUTS MOUTH (State) Daytime telephone number of applicant (767) 615-8383 Fax (BAPRESTIG, EAB@GMAIL.COM E-mall address of applicant: AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include name of official 2. Name of applicant: (Last) Thomas Mailing address of applicant (Street/P.O. Box): (State) (City) Daytime telephone number of applicant? E-mail address of applicant: FKAN PROPERTY OWNER (If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners) 3. Name of property owner: (Last) Mailing address of property owner (Street/P.O. box):

Application

Daytime telephone number of owner (

Application Special Exception

DEPARTMENT OF CITY PLANNING

Uso email: Tim th

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015)

Special Exception Page 3 CIVIC LEAGUE INFORMATION T. DALE RYDER Civic League contact: MIGELIA WILLIAMS Date(s) contacted: HIGHLAND PARKCIVICLEAGU Ward/Super Ward Information: REQUIRED ATTACHMENTS: ✓ Required application fee, \$355.00 (if check, make payable to the City of Norfolk). Application fee includes a non-refundable \$5 technology surcharge. One 8½ x 14 Inch or 11 x 17 Inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the Existing and proposed building structures Driveways Parking Landscaping Property lines (see attached example) One 8 ½ x 14 Inch or 11 x 17 Inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive alsies and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable. CERTIFICATION: I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge: IMS HAND Sign: June 5 H TIMS HOUD Print name: Print name SHALL POR MANDER EFTES ONLY NEEDED IF APPLICABLE:

> DEPARTMENT OF CITY PLANNING 810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Rovised January, 2015)

FRANK P THOMAS
(Authorized Agent Signature)

HEA I. BOONE THE BENEFIT OF A TILE REPORT. AREA - 0.4591 AC. (60' R/W) g W. 45TH STREET 100.00 RR SPIKE(F) PIN(F) 55A 5' ALUM-NUM FENCE (OTHERS) PHAL 55A 22 1 STORY BLOCK & BRICK BUILDING # 834 0.6 (80, BOLLARD AVENUE (21) COLLEY BOLLARD OVERHANG 325.00 100.00 (60' R/W) W. 44TH STREET REFERENCE: INSTRUMENT NO. 020021368 PHYSICAL SURVEY

634 W. 44TH STREET, NORFOLK, VIRGINIA
55A AND 56A, BLOCK 272, AND ADJOINING EASTERLY PARCEL
PLAT OF LAMBERTS POINT INVESTMENT CO.
M.B. 5, PGS. 30 AND 31 (CHESAPEAKE) LOTS 22A, 23A, REVISED JON BABINEAU, EXECUTOR FOR GRACE WIGGINS FOR: STEPHEN I. BOONE & ASSOCIATES, P.C. LAND SURVEYORS PORTSHOUTH, VIRGERA DATE: AUGUST 10, 2011 SCALE: 1" = 20" F.B. 610, FG. 19 DRAFT: LLB.



WEST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"

Simons, Matthew

From:

Wendy Hazel < Wendy. Hazel@whro.org >

Sent:

Monday, April 13, 2015 1:21 PM

To: Subject: Simons, Matthew 834 West 44th Street

Hey Matt,

I wanted to let you know that, by majority vote and based on the plans as presented at our April 9th meeting, the civic league does not object to the rezoning of 834 West 44th Street.

Let me know if you have any questions or need this in a more formal format.

Thanks!

Wendy Hazel

Education Office Manager



WHRO

5200 Hampton Boulevard | Norfolk, VA 23508

P: 757.889.9417 | F: 757.451.6858

wendy.hazel@whro.org

whro.org



Wolf Hall premiers April 5 on WHRO TV15